

CHAPTER 3. ANIMALS

Section 300 - Animal Control and Licensing

300.01 Definitions. Unless the context clearly indicates otherwise, the following words and phrases have the meanings given in this Subsection.

Animal. Without limitation, livestock, rodents, dogs, cats, birds, reptiles and other animals.

Accessory Building. A subordinate building or portion of a main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Animal Enclosure. Any building or portion thereof, structure or area including pens, dog houses, kennels, and outside runs that are principally used or designed for use as a place for the keeping of animals. For purposes of this Section, an electronic pet containment system shall not be deemed to be an animal enclosure.

Commercial Kennel. A place where more than three dogs or other animals over six months of age are kept, and where the business of selling, boarding, breeding, showing, treating or grooming dogs or other animals is conducted.

Domesticated Animal. An animal domesticated by humans so as to live and breed in a tame condition.

Electronic Pet Containment Systems. A system created by the installation of conductors on the ground or under the ground which emit or cause to be emitted an electronic signal for the purpose of confining animals within a predetermined area.

Impound. Seize and hold in legal custody.

Livestock. Farm animals kept for use, pleasure or profit, including, without limitation, horses, mules, sheep, goats, cattle, swine and fowl.

Own. To own, harbor, keep or have custody of an animal or be the parent or guardian of a person under 18 years of age who owns, harbors, keeps or has custody of an animal.

Owner. Any person who shall own, harbor, keep or have custody of an animal or the parent or guardian of a person under 18 years of age who shall own, harbor, keep or have custody of an animal.

Picket. To restrain an animal by means of a chain, leash or other attachment to a fixed object, thereby confining the animal to a determined area.

Rear Yard. A portion of an improved lot between the principal building located on such lot and the rear lines of the lot, which space is unoccupied except for accessory buildings

and the lateral boundaries of which space are coterminous with the lateral boundaries of such lot.

300.02 Impounding. The Animal Control Officer, police officers, community service officers or other person or persons designated by the Council may impound any animal found, or, by complaint of the City, believed to be, in violation of this Section.

Subd. 1 **Notice.** If the identity of the owner of an impounded animal is known, the impounder of such animal shall notify such owner as soon after such impounding as is reasonably possible. If the identity of the owner of an impounded animal is not known, the impounder of such animal, within 24 hours of such impounding, shall file an impounding notice describing the animal and stating the date and place where it was seized. Such notice shall be filed at the animal pound and the City Police Department.

Subd. 2 **Redemption.** Any animal impounded for a reason other than rabies observation or for biting a person in violation of Subsection 300.14 may be redeemed from the animal pound by its owner within ten days of impounding by paying to the City the redemption fees in the amounts set forth in Section 185 and a license fee if the animal is required to be licensed and is unlicensed. The Police Department shall release any redeemed animal to its owner.

Subd. 3 **Animal Disposal.** The Animal Control Officer may dispose of any animal either alive or deceased upon (i) the request of its owner, (ii) the payment to the City of a fee in the amount set forth in Section 185 of this Code and (iii) the receipt by the City of a liability release signed by such animal's owner.

Subd. 4 **Disposition of Unredeemed Animals.**

A. Any animal not redeemed within ten days after impounding may be sold at a reasonable price which shall be not less than the amount of fees which the owner would have to pay to redeem the animal. During the three-day period preceding such a sale of an animal, other than a dog or a cat, a notice of the time and place of such sale shall be posted by the Animal Control Officer in at least three conspicuous places within the City and at the animal pound. If the animal is not sold on the date set forth on such notice, the City may sell the animal as soon thereafter as possible without further notice. The proceeds of the sale shall be applied first to the payment of the expenses of impounding and selling the animal and the balance shall be placed in the general fund.

B. Any animal not redeemed within ten days after impounding and not sold as provided in paragraph A. of this Subd. 4 shall either be painlessly disposed of or surrendered for research purposes to any educational or scientific institution licensed pursuant to State Law.

Subd. 5 **Objection by Owner; Court Order.** Any owner may object to the impounding or disposition of the animal by signing and filing an objection with the City within five days after the action objected to was taken. Within 20 days after impounding of an animal, if the animal is not redeemed or if the City is unable to reach agreement

with the owner regarding the keeping of the animal in a manner consistent with the provisions of this Section, the City may bring an action in the appropriate court by serving on the owner a complaint setting forth the violation of this Section which caused the City to take action. The court may then order (I) the return of the animal to its owner with or without payment of redemption fees by the owner; or (ii) the disposal, destruction or sale of the animal; or, (iii) if the animal has been improperly disposed or sold, the payment to the owner of the reasonable value of the animal; or (iv) imposition on the owner of the same penalty as that for commission of a misdemeanor; or (v) any two or more of the foregoing or any other remedy the court determines just and proper. When an objection has been filed with the City, the City shall not dispose of or sell the animal referred to in the objection if it is still in the pound, but shall within ten days after filing of such objection, either return the animal to the owner, without liability on the owner's part for any fees, or keep it pending agreement with the owner or order of the court as provided above. If the animal has been disposed of or sold without a court order, the City after such filing shall either pay to the owner the reasonable value of the animal or begin the action described in this Subdivision.

300.03 Licensing Requirements.

Subd. 1 **Dog License Required.** Any owner of a dog over six months of age shall secure a license for such dog from the City.

Subd. 2 **Proof of Vaccination.** Proof of rabies vaccination must be presented at the time of initial licensing and each subsequent license renewal.

Subd. 3 **License Fee.** Each owner of a dog shall pay the amount set forth in Section 185 of this Code as required for the initial licensing fee, the renewal fee, the neutered dog fee, or the duplicate fee. The renewal fee shall be due on or before the first day of January of each year.

Subd. 4 **Receipts and Tags.** Upon payment of the license fee required by Section 185 of this Code, the City shall deliver an original receipt to the owner and retain a duplicate of such receipt. At the time of initial licensing, the City shall also deliver a metallic tag to the owner of the dog.

A. The owner shall cause the tag to be fastened to the collar of the dog with a permanent metal fastening in a manner so that the tag may be easily seen by the officers of the City.

B. If a tag is lost, a duplicate tag may be issued by the City upon presentation of a receipt showing the payment of the license fee for the current year. The City shall charge a fee for each duplicate tag in the amount set forth in Section 185 of this Code.

C. It shall be unlawful to counterfeit or attempt to counterfeit the tag or to take from any dog such a tag legally placed upon it by its owner with the intent to place it upon another dog, or to place such tag upon another dog.

D. The tag shall not be transferable and no refunds shall be made on any dog license fee because of leaving the City or death of dog before the expiration of the license period.

300.04 Commercial Kennel. No person shall maintain a commercial kennel without first having obtained a license pursuant to the provisions of this Section.

Subd. 1 **Kennel License Application.** The application for a commercial kennel license or renewal thereof shall contain or have attached thereto, in addition to the information required by Section 160 of this Code, a detailed plan and description of the premises and structures wherein the kennel is to be operated, unless the application is for renewal of a previous license and no change in the premises or structure has been made or is contemplated to be made.

Subd. 2 **Kennel License Fee.** The fee for a commercial kennel license shall be in the amount set forth in Section 185 of this Code.

Subd. 3 **Condition of Kennel.** A commercial kennel shall be kept in a clean, sanitary and well-ventilated condition at all times, and shall be open to inspection by the Sanitarian, the Animal Control Officer or police officer of the City at all reasonable times.

Subd. 4 **Outside Runs Prohibited.** No commercial kennel shall provide outside runs or penned areas designed for the confinement of animals outside of the principal building.

300.05 Rabies Vaccination. All dogs and cats over six months of age must have current rabies vaccination. Dogs must wear their current vaccination tags at all times.

300.06 Impounding, Quarantine or Destruction of Animals.

Subd. 1 **Bites.** Any animal which has bitten or is reported to have bitten a person shall be quarantined under the care of a licensed veterinarian for ten days, or if proof of current rabies vaccination is presented, the animal may be quarantined at the owner's residence for ten days. When quarantined at the owner's residence, the animal must be kept separate from other animals and be kept within a building or fenced area at all times unless on a leash held by an adult.

Subd. 2 **Quarantine.** Any quarantined animal shall be inspected by a licensed veterinarian at the end of the ten day quarantine period. If such animal becomes ill or dies during the quarantine period, the Animal Control Officer shall be notified immediately and the animal, if alive, shall be quarantined under the care of a licensed veterinarian, and if deceased, shall be delivered to the Animal Control Officer for rabies examination.

Subd. 3 **Inspection of Quarantined Animal.** The owner of any quarantined animal shall deliver to the City the "Notice of Quarantine" served on the owner by the City at the time such quarantine is established, duly completed and signed by a licensed veterinarian acting as the inspecting veterinarian. Such notice shall be delivered to the Animal

Control Officer not earlier than ten days, or later than 14 days, from the date of the establishment of the quarantine. If the inspecting veterinarian finds the animal to be rabid, it shall be destroyed. If the inspecting veterinarian finds the animal to be not rabid, the animal shall be returned to its owner provided that the owner shall first pay the costs referred to in Subsection 300.06, Subd. 4.

Subd. 4 Impounding or Boarding Fee. The owner of any animal that has been quarantined shall pay any impounding or boarding fees and any costs incurred for veterinarian services.

Subd. 5 Destruction of Animal. Any animal which has bitten or is reported to have bitten a person may be destroyed immediately if the animal cannot be impounded after reasonable effort, or cannot be impounded without serious risk to persons attempting to impound it.

300.07 Muzzling Proclamation. Upon written advice that a dog found in the City is infected with rabies or hydrophobia and that the safety and general welfare of the public is at risk, the Manager may order, by proclamation, (i) that all dogs be muzzled when off the premises of the owner, and (ii) that all unmuzzled dogs found off the premises of the owner be immediately impounded. Forty-eight hours after the proclamation has been published, either by posting or printing in the official newspaper, the Manager may further order that all unmuzzled dogs found off the premises of the owner shall be impounded and destroyed, except that an officer may immediately destroy such an unmuzzled dog if it cannot be impounded with reasonable effort. Any dog impounded during the first 48 hours after the publishing of any such proclamation, if claimed within ten days and if not infected with hydrophobia or rabies, shall be returned to its owner after payment of all fees described in Subsection 300.02, but after said ten days, such dog may be destroyed.

300.08 Sale or Gift of Animals for Advertising or Promotional Purposes. No person shall sell, offer for sale or give away for advertising or promotional purposes any animal less than 30 days old as a pet or novelty.

300.09 Keeping of Certain Animals Regulated. No person shall keep any rabbits, mice, hamsters, guinea pigs or other rodents, ferrets or any bird on any premises used for residential purposes except in a metal cage so constructed that it may be completely and easily cleaned and that the animal or animals kept therein are completely enclosed and protected from children and animals on the outside. Such animals at all times shall be kept within the dwelling or an accessory building.

300.10 Animal Enclosure. An animal enclosure, whether now existing or hereafter constructed, shall not exceed 300 square feet in area and shall be placed only in the rear yard and no closer than 20 feet to any property line.

300.11 Keeping of Certain Animals Prohibited. No person shall keep within the City:

A. Any livestock.

B. Any mammal belonging to the order Carnivora except dogs, cats and ferrets. For the purposes of this paragraph, the bloodline of an individual animal must comprise not less than 51 percent domestic breeds.

C. Honeybees and apiaries.

D. Venomous snakes.

300.12 Animals Running at Large. No owner shall allow any animal to run at large on any property without the consent of the owner or possessor of the property.

300.13 Confinement of Certain Animals.

Subd. 1 **Animal in Heat.** Any animal in heat shall be kept confined in a manner which will prevent its escape and access thereto by other animals.

Subd. 2 **Fierce Animal.** Any domesticated animal of a fierce, dangerous or vicious nature or disposition shall be confined (i) in a manner which will prevent its escape and its causing harm to persons; and (ii) in a place from which it cannot be released except by its owner and except when muzzled and under the control of a competent person.

300.14 Animals Declared a Public Nuisance.

Subd. 1 **Animals Which Chase Vehicles.** Any animal which habitually chases motor vehicles on public streets, or threatens, worries, chases or attacks pedestrians, bicyclists or other persons on public property, public areas or private property other than property owned or possessed by the owner of the animal shall be deemed a public nuisance.

Subd. 2 **Attacking Animals.** Any domesticated animal which attacks, wounds, worries, injures or kills any domestic animal or wildlife shall be deemed a public nuisance.

Subd. 3 **Animals Which Bite.** Any animal which has bitten a person, other than its owner or a member of its owner's immediate family shall be deemed a public nuisance. Such animal shall be quarantined pursuant to Subsection 300.06 and shall also be subject to the procedures and penalties set out in Subsection 300.20.

Subd. 4 **Animals Which Damage Property.** Any animal which damages plantings or structures or micturates or defecates on public property or on private property without the consent of the owner or possessor of the property shall be deemed a public nuisance.

Subd. 5 **Animals Running at Large.** Any animal described in this Subsection found running at large shall be impounded by the Animal Control Officer or police officers in the manner described in this Section; provided that such animal may be immediately destroyed by the Animal Control Officer or by a police officer if it cannot be impounded after reasonable effort, or cannot be impounded without serious risk to persons attempting to impound it.

300.15 Limitation on Number of Dogs or Cats. No more than three dogs or cats in the aggregate which are over six months of age shall be kept or harbored at any place in the City, except in a pet shop, animal hospital, or commercial kennel, unless a permit has been issued pursuant to this Subsection by the Council.

Subd. 1 **Permit Application and Hearing.** Persons who wish to keep or harbor more than the number of dogs or cats permitted by this Subsection may apply for a permit from the Council. After the receipt of the permit application, and the fee as set forth in Section 185 of this Code, the Council shall conduct a public hearing regarding the application. A notice of the date, time, place, and purpose of the hearing shall be mailed at least 10 days before the date of the hearing to each owner of property situated wholly or partly within 200 feet of the property to which the application relates.

Subd. 2 **Issuance of Permit.** After hearing the oral and written views of all interested persons, the Council shall make its decision. The Council shall not grant a permit unless it finds that keeping or harboring more than the allowed number of dogs or cats on the applicant's property:

A. Will not be a nuisance.

B. Will not be detrimental to the public health and safety of the applicant or other persons in the vicinity.

Subd. 3 **Permit Not Transferable.** No permit may be transferred to any person or place by the person or from the place to whom and for which the permit was granted. The permit shall be granted only for the dogs or cats described in the application. No dogs or cats described in the application may be replaced by the applicant without first obtaining a new permit from the Council.

Subd. 4 **Conditions and Restrictions.** The Council may impose conditions and restrictions as it deems necessary for the protection of the public interest and adjacent properties and to ensure compliance with the requirements of this Section and other applicable provisions of this Code. Each permit issued pursuant to this Subsection shall remain in effect only so long as the conditions and restrictions imposed by the Council are observed and not violated.

300.16 Noise.

Subd. 1 **Disturbing Peace and Quiet.** No person owning, operating, having charge of, or occupying, any building or premises shall keep or allow to be kept any animal which shall, by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including the Animal Control Officer or a law enforcement officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a five minute period of time with one minute or less lapse of time between each animal noise during the five minute period.

Subd. 2 **Complaint.** Any person may call or deliver a complaint to the Animal Control Officer stating facts and circumstances of an alleged violation of this Subsection. The Animal Control Officer shall investigate such complaint. If a violation occurs in the presence of the Animal Control Officer a summons may be issued. If probable cause of a violation exists, which violation did not occur in the presence of the Animal Control Officer, all reports, witness statements and evidence may be submitted to the City Prosecuting Attorney for a formal complaint.

300.17 Special Requirements for Dogs.

Subd. 1. **Off Premises of Owner.** No dog shall be permitted to be off the premises of its owner unless it is restrained with a leash measuring ten feet or less in length; provided that this requirement shall not apply in any portion of a park as defined in Section 1200.01 of this Code which has been designated by the Park Director as an area where dogs are not required to be restrained by a leash.”

Subd. 2 **Dogs Which Damage Property.** No owner of a dog shall permit the dog to damage any lawn, garden or other private or public property, or to micturate or defecate on public property or private property, without the consent of the owner or possessor of the property. It shall be the duty of each owner of a dog to remove any feces left by such dog and to dispose of such feces in a sanitary manner. It shall also be the duty of each owner of a dog when such dog is off the owner's premises to have in possession a device or equipment for the picking up and removal of dog feces; at a minimum this equipment must include at least two bags. The provisions of this Subsection shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities by or with the permission of the City. This Subsection shall not be construed, by implication or otherwise, to allow dogs to be where they are otherwise prohibited by this Code.

Subd. 3 **Picketing.** No dog shall be picketed in such a manner as to create a nuisance by reason of odor or unreasonably disturbing the peace and quiet as defined in Subsection 300.16 or which allows it to occupy any area within 20 feet of a property line.

Subd. 4 **Electronic Pet Containment Systems.** No electronic pet containment system shall be installed which allows any animal confined by the system to occupy any area within ten feet of a public sidewalk or within ten feet of the travelled portion of a public street if there is no public sidewalk. Electronic Pet Containment systems installed within any public right of way or public easement shall be owned and maintained by the owner of the system. The Engineer may direct the removal or relocation of an Electronic Pet Containment System from any public right of way or public easement at the sole cost and expense of the owner of the Electronic Pet Containment System if the Engineer determines the system interferes with the public's use of the right of way or easement. The cost of any repair to Electronic Pet Containment Systems which are damaged due to the public's use of a public right of way or public easement shall be borne solely by the owner of the system.

Subd. 5 **Clean Yard and Enclosure.** A dog owner shall regularly clean any yard occupied by the dog, or dog enclosure occupied by the dog, whether now existing or

hereafter constructed, and any area in which the dog has been picketed, and shall not permit feces or food scraps to remain for more than 24 hours.

Subd. 6 Dangerous Dogs.

A. The provisions of M.S. 347 and M.S. 343.20 through M.S. 343.40 are hereby incorporated by reference and adopted as part of this Section. The persons authorized to enforce this Section shall also enforce the provisions of M.S. 347 and M.S. 343.20 through 343.40. A violation of the provisions of M.S. 347 and M.S. 343.20 through 343.40 shall also be a violation of this Section. Incorporation of said Statutes shall not be a release by the City of any powers or authority which it has without such incorporation.

B. The Animal Control Officer may declare a dog to be a potentially dangerous dog as defined by M.S. 347.50. A notice declaring a dog to be potentially dangerous shall be served upon the owner of the dog either personally or by certified mail. The Animal Control Officer may require that a potentially dangerous dog be confined or restrained when on the owner's property and restrained and muzzled when off the owner's property.

C. The Police Chief may declare a dangerous dog under M.S. 347. Said declaration may be appealed to the City Council for a public hearing. Dangerous dogs must be registered with the City and a registration fee must be paid as set forth in Section 185 Schedule A of the Code.

“D. Appeals of Administrative Decisions. A person who deems himself or herself aggrieved by an alleged error in any order, requirement, decision or determination made by an administrative officer in the interpretation and enforcement of this Section, may appeal to the City Council by filing a written appeal with the City Clerk within 10 days after the date of such order, requirement, decision or determination. The appeal shall fully state the order to be appealed and the relevant facts of the matter.

1. The City Council shall hear such appeal within 30 days of receipt. Mailed notice of such hearing shall be given at least ten days prior to the date of the hearing to the owner of the dog and to the owners of all property within 250 feet of the property where such dog is usually kept. The Council shall make its decision at such hearing or any continuation thereof.”

300.18 Breaking Pound or City Vehicle. No person except an officer duly authorized by law shall break open or aid or assist in, counsel or advise, the breaking open of a pound or City vehicle used in the enforcement of this Section, or take or let out or attempt to take or let out, any animal placed therein.

300.19 Interference with Officer. No person shall (i) take or attempt to take from any officer referred to in Subsection 300.02, any animal seized by the officer in compliance with this Section; or (ii) interfere in any manner with such officer in the discharge of the duties under this Section.

300.20 Penalties.

Subd. 1 **Petty Misdemeanor and Misdemeanor.** Any person maintaining a nuisance as defined in this Section, or otherwise violating this Section, upon the first conviction thereof shall be guilty of a petty misdemeanor, and upon second conviction shall be guilty of a misdemeanor. However, the first and each subsequent conviction of violation of the provisions of Subsection 300.06, Subd. 1, 2 or 3 shall be a misdemeanor.

Subd. 2 **Impoundment.** Any animal found to be a nuisance, as defined in this Section, or found to be violating any provisions of this Section, may be impounded pursuant to this Section.

Subd. 3 **Other Remedies.** The provisions of Subsection 100.09 shall also apply to violations of this Section.

300.21 Exception. Any dog under the control of a public law enforcement agency and used in law enforcement activities shall be exempt from the provisions of this Section 300, provided, however, that such agency shall comply with the requirements of Subsection 300.05

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Reference: M.S. 343.20 through 343.40, 347

Cross Reference: Sections 160, 185, 1000